Cas. 577), Wisconsin, Maine and the U. S. Circuit Court in Kansas, do not. Indiana refused the action in 1881 under a slightly different statute, but in 1891 allowed it to a woman after her divorce.

TRUSTS — CORPORATIONS — RECEIVER. — An insurance company deposited some of its funds with a trust company, to be distributed among the certificate holders in case the insurance company made default in meeting its obligations. Afterward the trustees of the insurance company petitioned for its voluntary dissolution, and a receiver was appointed. *Held*, that the Court had no power to compel the trust company, in the absence of misconduct on its part, to turn the trust fund over to the receiver to be distributed by him instead of by the trust company. *In re Voluntary Dissolution of Home Provident Safety Fund Ass'n of New York*, 29 N. E. Rep. 323 (N. Y.).

TRUSTS — FRAUDULENT CONVEYANCES. — A father gave to his minor son as a gift a note for $1,000. The father collected the note when due and invested the money in shares of an iron company, the stock being in the son's name. This stock depreciated, and the father, in consideration of this fact and also of a debt of a few hundred dollars due to his son, conveyed to him land worth $1,000. At the time of this conveyance, the father was insolvent. *Held*, the conveyance was not in fraud of creditors. *Second National Bank* v. *Merrill, etc. Works*, 50 N. W. Rep. 503 (Wis.).

The Court here regarded the father as trustee for the son, and thought that he ought to restore to the son the depreciation in value of the corpus of the trust fund. It might be questioned whether a trustee who invests *bona fide* is liable if the funds fall in value. If he is not so liable, it would seem that the son gave no value for the conveyance, which therefore should have been set aside.

TRUSTS — LACK OF BENEFICIARIES — TILDEN WILL. — Where property is left to executors for an association to be incorporated, with full discretion in the executors as to the amount to be so applied, the rest to be applied to such charitable, scientific, or educational institutions as they think fit, there is no valid trust, for lack of a certain beneficiary, the cy-près doctrines having no force in New York. *Tilden* v. *Green*, 28 N. E. Rep. 880 (N. Y.).

WILLS — RESIDUARY DEVISE — ACCELERATION. — Where a will provides that certain moneys shall go to the testator's wife, and that the remainder of the estate shall be held in trust by the executor, the income to be paid to the wife during her life, at her decease certain legacies to be paid, and the residue to go to the next of kin; the fact that the wife elects to take her statutory portion of the estate, instead of taking under the will, does not accelerate the time of payment of the legacies, and they cannot be paid until after the decease of the widow. *Jones* v. *Knappen*, 22 Atl. Rep. 630 (Vt.).

REVIEWS.

DIGEST XIX. 2. LOCATI CONDUCTI. Translated with notes, by C. H. Monro, Fellow and Lecturer of Gonville and Caius College, Cambridge. Cambridge: University Press, 1891. 8vo. pp. 83.

This little book in its style and character forms a companion volume with the series of Selected Titles from the Digest, by Bryan Walker, and can hardly fail to interest a student or lawyer who has read the Institutes. To pass from the Institutes to the Digest is to make a distinct advance in the study of Roman law; for the Digest is to the Institutes as our law reports are to the easy and flowing Blackstone. In the Digest we are brought closer to the Roman law as a practical system, full of knotty problems, and by no means free from conflicting or dissenting judgments, as the present volume attests. In the Digest also we make the acquaintance of the great Roman lawyers, and the work derives an added interest from the many opportunities it affords to compare the decisions of their acute and powerful minds with the decisions upon similar questions of judges of the common law, equally

acute and powerful. Mr. Monro has in several notes cited English decisions upon parallel questions. More of such citations might be easily made, and would add to the value of the work. They would have a tendency to increase interest in the Roman law, which is a part of the value of books like this. The work of translation is well done, but the author's remarks in the preface upon the subject of translation are sensible and just. "I am," he says, "to say the truth, not without a misgiving that the student derives little or no benefit from any translation at all, as he is encouraged to neglect the original, and thus bestow his time on the acquisition of a curious kind of artificial learning which cannot be called Roman law, or by any other particular name, and is only of conventional value." Mr. Monro's notes are useful without being elaborate, and discover an accurate general knowledge of the Digest and of the literature of the subject. W. S.

VILLAINAGE IN ENGLAND. By Paul Vinogradoff. 1892. Oxford. At the Clarendon Press.

The author of this work is Professor in the University of Moscow, and a reason for its appearance from so unexpected a quarter is to be found in the necessity felt among the thinking class in Russia for some means of meeting the problems and difficulties occasioned by the sudden emancipation of so large a body of their countrymen, and for some rules or principles which may guide their future social development. These national necessities tinge the author's views of the functions of history. In brief they are as follows: History in the past has been political; in the future it must be economic and social. In the past it has concerned itself chiefly with the analysis of the development of, and working of, principles of government; in the future it must rather consider the social and economic development of the people and the conflict of classes. In the England of seven centuries ago the condition of the rural population was not unlike that of the same class in the Russia of a generation ago. In England by the policy of the law and by her freer political institutions, the process of social development began earlier and was complete sooner than elsewhere; to England, therefore, the author looks for the desired instruction. That a foreigner, from his freedom from national prejudice, may enjoy certain advantages in the study of the general features of any political system is, perhaps, undeniable. Three of the most thorough and impartial works upon our political institutions have proceeded from foreigners; but that the same advantage holds true of the treatment of special topics, is more open to question. In the present case it appears to have been attempted with satisfactory results. The work shows careful and thorough study of the older legal authorities; the results which are reached are carefully stated, nor does the author hesitate to express his dissent when they are in conflict with those of previous workers in the same field.

The book is in form two essays; in the first is considered the Peasantry of Feudal Age; in the second the Manor and Village Community is treated of. The work is of interest to the specialist rather than the general reader, and though discussing a point of legal learning, to the student of political science rather than to the student of the law. The publication is by the Clarendon Press, the uniform excellence of whose work makes comment unnecessary. R. O. A.